

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

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UNITED STATES OF AMERICA

V.

RASHAWN ALLEN JUDGE

Cr. No 2:17-301-RMG

RESPONSE TO GOVERNMENTS MOTION
FOR PSYCHIATRIC EVALUATION

Comes now, the real party in interest Rashawn ALLEN EI, In response to the Governments motion for a psychiatric or psychological examination. The defendant was not or is not suffering from a mental disease or defect rendering him mentally incompetent.

The defendant believes that reasonable cause exist to dismiss this motion and provides the following in support:

1. The defendant does not have a history or family history of mental disease, defect, incompetence, or diminished capacity.

2. On Oct. 23 the defendant took a blind plea under threat, duress, and coercion. After several request to view my discovery/video was made to no avail. Finally On Feb. 8 2017 the discovery/video was brought at which time I informed my former attorney of several concerns.

3. From the start I informed Ms. Blazer that my 4th Amendment rights had been violated. Upon reviewing the video the owner in fact did not give these officers permission to enter his property which they did against his consent.²⁾ I also informed her Rule 6(c) FRCP says, The foreperson will sign ALL indictments and that mine was not stamped. At this time she said they had the grand jury ballot, I told her I needed proof this went in front of the grand jury.³⁾ Rule 3(A) Upon arrest, an officer possessing the original or a duplicate original warrant MUST show it to the defendant. The discovery that was brought to me again contained none of these things.

4. For the first time with the discovery/Video in front of me I again Informed Ms. Blazer that I did not want to go through with this plea. Ms. Blazer while agreeing with a number of my Concern ex. police misconduct, 4th Amendment Violation. She then informed me that even though the officers broke the law and Violated my rights the court would still convict me on Circumstantial evidence. If such were to happen I would be prepared to file a direct appeal.

5. The same day the defendant saw the discovery/Video I filed for ineffective counsel. If the discovery/Video had been seen before the defendant would never have accepted the plea.

Marshall v. Lonberger, 459 U.S. 422, 431 (1983) Quoting Henderson v. Morgan, 426 U.S. 637, 645 n.13 (1976)

6. The defendant has filed several motions that did inform the Government that he is in fact a Moorish American a descendant of Moroccans born in America and not a United States Citizen. In those same motions the defendant requested that Ms. Limehouse show proof of jurisdiction, which has yet to be done. In Sweeton v. Brown (6th Circuit) the court quoted "Lack of jurisdiction cannot be waived and jurisdiction cannot be conferred upon a federal court by consent inaction or stipulation.... A court lacking jurisdiction cannot render judgment but MUST dismiss the cause at any stage of the proceedings in which it becomes apparent that jurisdiction is lacking," Id at 1169. From here on any judgment or order by the court is Void until jurisdiction has been put on the record.

7. During this case the defendant has recieved advice from former counsel Ms. Blazer, Judge Duffy and Present Judge Gergel that withdrawing his plea and proceeding is in fact Unwise. Judge Duffy who was first to inform the defendant of this Ms. Blazer and Present Judge Gergel have all stated on the record that the defendant was more than Competent to Proceed on his own.

8. Ms. Limehouse has said that because the defendant has declared his nationality, and wishes to invoke his Constitutional RIGHTS he is incompetent. Ms. Limehouse has also shown no Valid evidence

as to why the defendant need a mental evaluation Furthermore her motion lacks merit and therefore should be dismissed.

9. Should the Government wish to continue to Violate the defendant RIGHTS and send him to mental evaluation against his say there are several local facilities that would serve the same purpose as the BOP. MS. Blazer would inform the court of these facilities and method of payment.

I am: Rashaun Allen EI

Rashaun Allen EI Authorized Representative

Natural Person, In Propria Persona:

Ex Relatione RASHAUN ALLEN JUDGE

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U.C.C.1-207/1-308; U.C.C.1-103